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**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

In the Matter of the Application of James Hankins, an individual, d/b/a Hankins Information Technology, for a certificate of public convenience and necessity to provide full facilities-based and resold competitive local exchange service throughout the service territories of Pacific Bell Telephone Company, Frontier California, Inc., Frontier Communications of the Southwest, Inc., Consolidated Communications of California Company, and Citizens Telecommunications Company of California, Inc. and full facilities-based and resold interexchange services on a statewide basis.

A.

**APPLICATION OF JAMES HANKINS, AN INDIVIDUAL,
D/B/A HANKINS INFORMATION TECHNOLOGY**

[PUBLIC VERSION]

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Attorneys for James Hankins d/b/a Hankins Information
Technology

Dated: February 5, 2021

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

In the Matter of the Application of James Hankins, an individual, d/b/a Hankins Information Technology, for a certificate of public convenience and necessity to provide full facilities-based and resold competitive local exchange service throughout the service territories of Pacific Bell Telephone Company, Frontier California, Inc., Frontier Communications of the Southwest, Inc., Consolidated Communications of California Company, and Citizens Telecommunications Company of California, Inc. and full facilities-based and resold interexchange services on a statewide basis.

A.

**APPLICATION OF JAMES HANKINS, AN INDIVIDUAL,
D/B/A HANKINS INFORMATION TECHNOLOGY**

Pursuant to Article I of Chapter 5 of the Public Utilities Code (Section 1001 et seq.), James Hankins, d/b/a Hankins Information Technology (“HIT” or “Applicant”) hereby requests that the Commission issue a certificate of public convenience and necessity (“CPCN”) authorizing Applicant to provide: (i) full facilities-based and resold competitive local exchange service throughout the service territories of Pacific Bell Telephone Company, Frontier California, Inc., Frontier Communications of the Southwest, Inc., Consolidated Communications of California Company, and Citizens Telecommunications Company of California, Inc.; and (ii) full facilities-based and resold interexchange services on a statewide basis.

HIT intends to provide infrastructure facilities (such as conduit and dark or lit fiber) for use in connection with the transmission of communications, including interconnected Voice over Internet Protocol ("VoIP") and broadband data applications, such as Internet access. HIT may rely on existing facilities obtained from other carriers and utilities or construct its own

facilities, as necessary. HIT expects that any outside plant construction would be small in scale, consisting of construction of relatively short conduit routes, installations of poles where existing facilities are inadequate, and other above- or below-ground facilities. Further, such construction generally would occur in existing roadways or other previously-developed and disturbed rights-of-way. Thus, HIT expects that any such projects would fall within one or more categorical exemptions under CEQA.¹

Accordingly, HIT proposes that the requested grant of full facilities-based construction authority be subject to compliance with the same expedited 21-day environmental review process that has been adopted for similarly-situated carriers.² This process would be as follows:

- Applicant shall provide the Commission's Energy Division with:
 - ☐ A detailed description of the proposed project, including:
 - Customer(s) to be served;
 - The precise location of the proposed construction project; and
 - Regional and local site maps.
 - ☐ A description of the environmental setting, including at a minimum:
 - Cultural, historical, and paleontology resources;
 - Biological resources; and
 - Current land use and zoning.
 - ☐ A construction work plan, including:
 - Commission Preconstruction Survey Checklist-Archaeological Resources;
 - Commission Preconstruction Survey Checklist-Biological Resources;

¹ Available exemptions may include, inter alia, construction projects involving existing facilities (CEQA Guidelines Section 15301), replacement or reconstruction (CEQA Guidelines Section 15302), new construction or conversion of small structures (CEQA Guidelines Section 15303), and construction under other available exemptions.

² See, e.g., Decision 13-07-032, which granted full-facilities-based authority to Vodex Communications Corporation.

- A detailed schedule of construction activities, including site restoration activities;
 - A description of construction/installation techniques;
 - A list of other agencies contacted with respect to siting, land use planning, and environmental resource issues, including contact information; and
 - A list of permits required for the proposed project.
- ☐ A statement of the CEQA exemption(s) claimed to apply to the proposed project; and
 - ☐ Documentation supporting the finding of exemption from CEQA.
- The Commission's Energy Division shall then review the submittal and shall notify Applicant of either its approval or its denial of Applicant's claim for exemption from CEQA review within 21 days from the time that Applicant's submittal is complete.
 - If the Commission's Energy Division approves Applicant's claimed CEQA exemption(s), the staff shall prepare a Notice to Proceed (NTP) and file a Notice of Exemption with the State Clearinghouse, Office of Planning and Research.
 - If the Commission's Energy Division disapproves Applicant's claimed CEQA exemption(s), the staff shall issue to Applicant a letter which states the specific reasons that the claimed CEQA exemption(s) do not apply to the proposed project.
 - If the Commission's Energy Division disapproves Applicant's claimed CEQA exemption(s) and Applicant wishes to pursue the project, Applicant shall either re-design the specific project and facilities and then reapply for a finding of exemption from CEQA, or file a formal application with the Commission seeking the requisite approval and full CEQA review, before commencing any full facilities-based construction activities.

HIT proposes, further, that, at such time as G.O. 170 is implemented, HIT be authorized to exercise full-facilities-based authority in accordance with the applicable provisions of G.O. 170, rather than pursuant to the foregoing 21-day expedited review process.

In support of this request, HIT provides the following information:

I. Information Regarding Applicant - Rule 2.1(a)

Applicant's full legal name is James Hankins d/b/a Hankins Information Technology. Applicant is a sole proprietorship. Applicant's principal place of business is located at 777 1st Street, #250, Gilroy, CA 95020. Its telephone number is 408-713-0778.

II. Contact for Correspondence and Communications - Rule 2.2(b)

All communications, correspondence, and pleadings with respect to this application should be directed to:

John L. Clark
Goodin, MacBride,
Squeri & Day, LLP
505 Sansome Street, Suite 900
San Francisco, CA 94111
Telephone: (415) 392-7900
Facsimile: (415) 398-4321
E-mail: jclark@goodinmacbride.com

III. Categorization, Need for hearing, Issues, Schedule - Rule 2.1(c)

Proposed Category: HIT proposes that the Commission classify this proceeding as ratesetting. Although this Application does not affect rates, the definitions of "adjudicatory" or "quasi-legislative" clearly do not apply to this application. Under the Commission's rules, when a proceeding does not clearly fit any of the categories, it should be conducted under the ratesetting procedures. (See, Rule 7.1(e)(2).)

Need for hearing: No hearing is needed for the Commission to act on HIT's request.

Issues to be considered: HIT submits that the only issues to be resolved in this proceeding are whether HIT has met the Commission's requirements for authorization to provide the proposed services, specifically:

(1) Whether HIT has demonstrated sufficient technical and managerial ability to conduct the proposed operations;

(2) Whether HIT has met the requisite financial showing required of applicants; and

(3) Whether HIT's proposed service will serve the public convenience and necessity.

HIT submits that the information in this Application fully demonstrates that HIT meets all of the requirements for issuance of the requested operating authority and that no further filings or proceedings are required.

Proposed Schedule: HIT respectfully urges the Commission to act on its application as quickly as practicable, in accordance with the following schedule:

April 2021 - Final date for protests.

April 2021 - Prehearing conference; scoping memo issued; application deemed submitted.

June 2021 - Commission decision issued granting application.

IV. Other Information - Rule 2.1(d)

(1) Technical and Managerial Qualifications

Mr. Hankins has over thirteen years of experience in information technology, and has managed and operated a wireless Internet service network serving residential, commercial, and governmental customers in the south Bay Area, California region since 2013. His experience and expertise includes the installation, operation, and maintenance of all advanced telecommunications equipment and facilities, including servers, switches, and routers, for both wireless and fiber-optic transmission, as well as the build-out of networks, themselves.

His company, HIT, currently provides highspeed Internet access over broadband facilities in portions of Gilroy, San Martin, Morgan Hill, and Hollister, California. HIT was awarded a grant by the Federal Communications Commission ("FCC") under the Connect America Fund (CAF) Phase II Auction (Auction 903) to expand its network to include various

additional locations in the state. In connection with this expansion of its network, HIT will offer interconnected VoIP, as well as Internet access, to residential and commercial customers. HIT has been designated by the FCC as an eligible telecommunications carrier ("ETC") for purposes of receiving federal high cost support and federal Lifeline support for qualifying low-income residential subscribers.

Mr. Hankin's resume, showing all employment, is attached as Exhibit A.

(2) Fitness

Attached as Exhibit B is a sworn statement submitted pursuant to Ordering Paragraph 14 of D.13-05-035.

(3) Exemptions

HIT will operate as a non-dominant carrier. Therefore, HIT requests that it be accorded the same streamlined regulatory treatment previously accorded to other competitive local carriers as set forth in D.97-01-015 and as adopted for non-dominant interexchange carriers, including, without limitation, the following: exemption from the provisions of Public Utilities Code §§ 816-830 (pertaining to the issuance of stocks and securities) and Public Utilities Code § 851 (pertaining to the transfer or encumbrance of utility assets when such transfer or encumbrance is for the purpose of securing debt), and exemption from any requirement to maintain its books and records in accordance with the Uniform System of Accounts specified in 47 CFR Part 32.

(4) Performance Bond

Included as part of the Verification of this Application is a sworn statement submitted pursuant to Ordering Paragraph 4 of D.13-05-035, attesting that HIT will comply with the performance bond requirement established by that decision.

V. Organization and Qualification to Transact Business - Rule 2.2

As HIT is a sole proprietorship, the required to submit organizational documentation pertaining to corporations and similar enterprises is not applicable.

VI. CEQA Compliance - Rule 2.4

HIT's Proponent's Environmental Assessment ("PEA") is attached as Exhibit C.

VII. Description of Proposed Construction - Rule 3.1(a)

As noted above, HIT intends to provide infrastructure facilities (such as conduit, and dark or lit fiber) for the transmission of communications, including VoIP and broadband data applications. HIT may rely on existing facilities obtained from other carriers and utilities or construct its own facilities, as necessary. HIT expects that any outside plant construction would be small in scale, consisting of construction of relatively short conduit routes, installations of poles where existing facilities are inadequate, and installation or construction of other, small above-ground facilities. Further, such construction generally would occur in existing roadways or other previously-developed and disturbed rights-of-way.

VIII. List of Competitors, Cities, and Counties - Rule 3.1(b)

Pursuant to Decision No. 97-06-107, applications such as this are exempt from the requirements of this rule.

IX. Map - Rule 3.1(c)

A map illustrating HIT's proposed service area is attached hereto as Exhibit D. This map depicts the service areas of the incumbent local exchange carriers within whose territory applicant seeks to operate as a competitive local carrier. The areas identified on the map as "Verizon California" areas are now served by Frontier California Inc. as successor to Verizon California Inc. The area identified on the map as the "SureWest" area is now served by Consolidated Communications of California Company as successor to SureWest Telephone. This map is also available online at

http://www.cpuc.ca.gov/uploadedImages/CPUC_Public_Website/Content/Utilities_and_Industries/Communications_-_Telecommunications_and_Broadband/Consumer_Programs/Broadband_Availability/ILEC%20Territory%20in%20CA%20-%202014.jpg

X. Permits - Rule 3.1(d)

No discretionary franchises or health or safety permits will be required for the provision of the services described herein. HIT will abide by all applicable local permitting requirements in carrying out any construction activities authorized by the Commission.

XI. Public Convenience and Necessity - Rule 3.1(e)

HIT submits the following in support of its belief that the public convenience and necessity require Commission approval of its application:

A. Applicant's proposed operations will be designed to meet the need for key telecommunications infrastructure.

B. Commission approval of the instant application will reaffirm the principle of competition in the telecommunication market within California and will ultimately benefit California telecommunications users through the enhanced availability of innovative, high quality service using infrastructure deployed by HIT.

C. 47 U.S.C. § 253(a) establishes a national policy favoring competition in the provision of telecommunication services and prohibiting any regulation or other legal requirement that prohibits or has the effect of prohibiting any entity from providing a telecommunications service.

XII. Estimated Cost of Construction; Feasibility - Rule 3.1(f)

Any construction activities undertaken by HIT will be funded through financing procured from private sources, through operations, or other sources that may become available from time to time.

XIII. Financial Ability and Financing Information - Rule 3.1(g)

HIT has submitted under seal as Exhibit E to this application, a personal guaranty that HIT will have access to cash resources in a minimum amount of \$100,000 for use in meeting its working cash requirements while this application is pending and during the first full year of operations under the requested authority. The guaranty is supported by the deposit of funds in a separate account set up by the guarantor. The initial statement and bank confirmation of the funds on deposit are included in Exhibit E. Following the filing of this application, HIT will provide updated account statements demonstrating continuing availability.

HIT will not be required to pay any deposits in order to provide its proposed services.

XIV. Statement of Proposed Rates - Rule 3.1(h)

HIT will provide regulated services and facilities on an individually-negotiated contract basis. HIT will voice services using VoIP technology. Accordingly, no tariff is required under the Commission's current rules.

XV. General Order 104-A - Rule 3.1(i)

No matters that must be reported pursuant to section 2 of G.O. 104-A, have occurred or are expected.

XVI. Number of Customers - Rule 3.1(j)

HIT estimates that its regulated operations will consist of the provision of wholesale services and facilities to only one or two customers during the first year due to the time required to build out its network, and the provision of wholesale service and facilities to one to five customers during the fifth year of operations under its requested authority. HIT currently provides retail Internet access service to approximately 350 customers, and will be expanding its network and services under the CAF Phase II grant to include VoIP services throughout the ETC area.

WHEREFORE, HIT requests that the Commission grant this application and issue a certificate of public convenience and necessity authorizing it to provide: (i) full facilities-based and resold competitive local exchange service throughout the service territories of Pacific Bell Telephone Company, Frontier California, Inc., Frontier Communications of the Southwest, Inc., Consolidated Communications of California Company, and Citizens Telecommunications Company of California, Inc.; and (ii) full facilities-based and resold interexchange services on a statewide basis.

Respectfully submitted February 5, 2021 at San Francisco, California.

GOODIN, MACBRIDE,
SQUERI & DAY, LLP
John L. Clark
505 Sansome Street, Suite 900
San Francisco, California 94111
Telephone: (415) 392-7900
Facsimile: (415) 398-4321
Email: jclark@goodinmacbride.com

By /s/ John L. Clark

John L. Clark

Attorneys for Attorneys for James Hankins, d/b/a
Hankins Information Technology

VERIFICATION

I, James Hankins, am the sole proprietor and manager of the Applicant and the facts stated herein are of my personal knowledge.

I affirm that Applicant:

- agrees to comply with all federal and state statutes, rules, and regulations, for a Certificate of Public Convenience and Necessity (CPCN) and state contractual rules and regulations, if granted the request as stated in this Application;
- certifies that all information in the foregoing Application for a CPCN are true and correct;
- agrees, that in the event HIT's request for a CPCN is granted, Applicant will post a continuous performance bond (i.e., there will be no termination date on the bond) in the amount of \$25,000 issued by a corporate surety company authorized to transact surety business in California, and with the Commission listed as the obligee on the bond; and, further, that Applicant will provide a copy of the executed performance bond to the Director of the Communications Division with the written notification to the Commission of acceptance of operating authority;
- HIT will operate as an interstate common carrier as defined in section 153 of the Federal Communications Act of 1934, as amended, (the "Act"), and will be eligible to interconnect with the public switched telephone network pursuant to sections 251 and 252 of the Act; and

- If granted a CPCN, HIT will operate as a telephone corporation as defined in Section 234(a) of the California Public Utilities Code (Code) and obey the Code, and all of the Commission's rules, decisions and orders applicable to telephone corporations.

I affirm and declare under penalty of perjury under the laws of the State of California, including Rule 1.1 of the California Public Utilities Commission's Rules of Practice and Procedure, that, to the best of my knowledge, all of the statements and representations made in this Application are true and correct.

Dated: January 18, 2021


James Hankins

EXHIBIT A

RESUME

Mr. James G. Hankins II
james@hankinstech.com (408) 221-9392 cell

Education:

Bachelor of Science in Aviation; May 2005

San Jose State University, Department of Engineering, San Jose, CA

Area of emphasis- Flight Operations and Minor in Business, Included technical writing classes, AutoCAD

High School Graduation; June 2000

Monte Vista Christian High School, Watsonville, CA

Fields: Aviation Club, Baseball, Cross Country, Sound Technician, RYLA (Rotary Youth Leadership Award)

10/2007- Present, IT Services Contractor 2015-Present WISP operator

Anchorpoint Christian High School, Gilroy, CA (408) 846-6642

Verix Los Altos, CA (650) 949-2700

BioCentury Inc. Redwood City, CA (650) 595-5333

CloudOn Mountain View, CA

Crescendo Networks Menlo Park, CA purchased by F5

- Started **Hankins Information Technology** and operate the company in the performance of its services
- Provide all IT support services (hardware and software) to companies located in the Bay Area and remote offices including Chicago, Philadelphia, Washington D.C. United Kingdom and Israel.
- Install, maintain and repair hardware (servers, routers, switches, access points, firewalls, storage devices etc) Setup and maintenance of servers in colocation facilities (server farms)
- Install, maintain and upgrade applications ranging from Adobe to Active Directory- primarily windows based environment with experience in Linux, Mac and Cisco environments
- Provide technical support and help desk services during business hours and on call 24 hours/day
- Update and maintain company websites www.biocentury.com - IIS and SSL, among others
- 2015 started the WISP we operate today as the core of our business providing internet to 350+ residential, commercial and government sites in the south bay area.

8/2014 - 2018, District IT Director/Teacher- Pacific Point Christian Schools, Gilroy, CA 408-846-6642

- Oversaw computer lab build out, wireless infrastructure upgrade and other network design changes
- Deployment of new domain, penetration testing and hardening
- Developed and taught computer science curriculum including programing, web design and 3D printing

5/2011-8/2014, Aviation Analyst- ATAC, Santa Clara, CA (408) 736-2822

- Provide Analysis & QA for FAA radar information, produce reports and technical support for ATC
- Use programming to automate reports and daily tasks including VBA, Pearl, XML, PHP
- Conduct training class for air traffic controllers, in person and remotely
- Participated in Business Development and proposals including Smart NAS, NASA proposals and others

10/2006- 10/2007, Police Officer- City of Morgan Hill, Morgan Hill, CA (408) 779-7271

- Performed law enforcement duties as sworn police officer
- Received training and on the job experience in: crime scene investigations, active shooter scenarios, emergency vehicle operations course, conflict resolution, SIMS/ICS (disaster management)

8/2005- 10/2006, Assistant Sales Manager- High Gear Powersports, Inc. Gilroy, CA (408) 842-9955

- Facilitating the purchasing experience for the customer; in person and via internet sales
- Preparation of DMV documents and sales agreements
- Built a data base for multiple model types of Kawasaki, Honda, Yamaha and Suzuki

5/2004- 8/2005, Aircraft Sales Manager- Jim Lafferty Aircraft Sales, San Jose, CA (408) 293-5352

- Managed single engine aircraft sales, acquisitions and brokerage
- Research of aircraft market relative to customer and company needs
- Oversee maintenance of aircraft fleet
- Ferry aircraft throughout the country and process sales paperwork

12/1999- 5/2004, IT/AV Manager- Front Office, CordeValle, San Martin, CA (408) 695-4500

- Domain Administrator for the networks (56 workstations, 49 rooms and 3 facilities)
- Installed and configured switches, routers and wireless access points

- Maintained Exchange server and performed all help desk tasks
- Received on the job training in A+ and N+ areas, Managed active directory

Other Experience: NASA research projects, Army UAV studies, human factors research at Moffett Field AMES

Pilot Licenses: Commercial, instrument, multi/single fixed wing. Total Aircraft Flight Time ~625 hours

EXHIBIT B

SWORN STATEMENT

I affirm that neither Applicant, any of its affiliates, officers, directors, partners, agents, or owners (directly or indirectly) of more than 10% of Applicant, nor anyone acting in a management capacity for Applicant: (a) held one of these positions with a company that filed for bankruptcy; (b) been personally found liable, or held one of these positions with a company that has been found liable, for fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; (c) been convicted of a felony; (d) been to my knowledge the subject of a criminal referral by judge or public agency; (e) had a telecommunications license or operating authority denied, suspended, revoked, or limited in any jurisdiction; (f) personally entered into a settlement, or held one of these positions with a company that has entered into settlement of criminal or civil claims involving violations of sections 17000 et seq., 17200 et seq., or 17500 et seq. of the California Business & Professions Code, or of any other statute, regulation, or decisional law relating to fraud, dishonesty, failure to disclose, or misrepresentations to consumers or others; or (g) been found to have violated any statute, law, or rule pertaining to public utilities or other regulated industries; or (h) entered into any settlement agreements or made any voluntary payments or agreed to any other type of monetary forfeitures in resolution of any action by any regulatory body, agency, or attorney general.

Neither Applicant, any affiliate, officer, director, partner, or owner of more than 10% of Applicant, nor any person acting in such capacity whether or not formally appointed, is being or has been investigated by the Federal Communications Commission or any law enforcement or regulatory agency for failure to comply with any law, rule or order.

I affirm and declare under penalty of perjury under the laws of the State of California, including Rule 1.1 of the California Public Utilities Commission's Rules of Practice and Procedure, that, to the best of my knowledge, the foregoing and all other statements and representations made in the Application are true and correct.

Dated: January 18, 2021

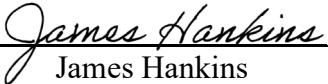

James Hankins

EXHIBIT C

PROPONENT'S ENVIRONMENTAL ASSESSMENT

HIT intends to provide infrastructure facilities (such as conduit and dark or fiber infrastructure) for use in connection with the transmission of communications, including interconnected Voice over Internet Protocol ("VoIP") and broadband data applications, such as Internet access. HIT may rely on existing facilities obtained from other carriers and utilities and will construct its own facilities as it deems are warranted.

HIT expects that any outside plant construction ordinarily would be small in scale, consisting of construction of relatively short conduit routes, installations of a poles where existing facilities are inadequate, and installation or construction of other, small above-ground facilities. Further, such construction generally would occur in existing roadways or other previously-developed and disturbed rights-of-way.

As the Commission has recognized, previously, it can be expected that such projects would fall within one or more categorical exemptions under CEQA. *See, e.g.,* Decision 13-07-032, which granted full-facilities-based authority to Vodex Communications Corporation, subject to compliance with an expedited 21-day environmental review process.

To assure that there would be no significant adverse environmental impacts from any such construction, HIT will follow the procedure described in Decision 13-07-032 to establish whether or not CEQA exemptions apply. This procedure is described in the opening paragraphs of the instant application. If a determination is made that the proposed construction is not exempt, HIT would file a new application for approval of the contemplated project.

HIT submits that the foregoing process assures that it can be seen with certainty that there is no possibility that grant of the instant application may have a significant adverse effect on the environment.

EXHIBIT D

SERVICE AREA MAP

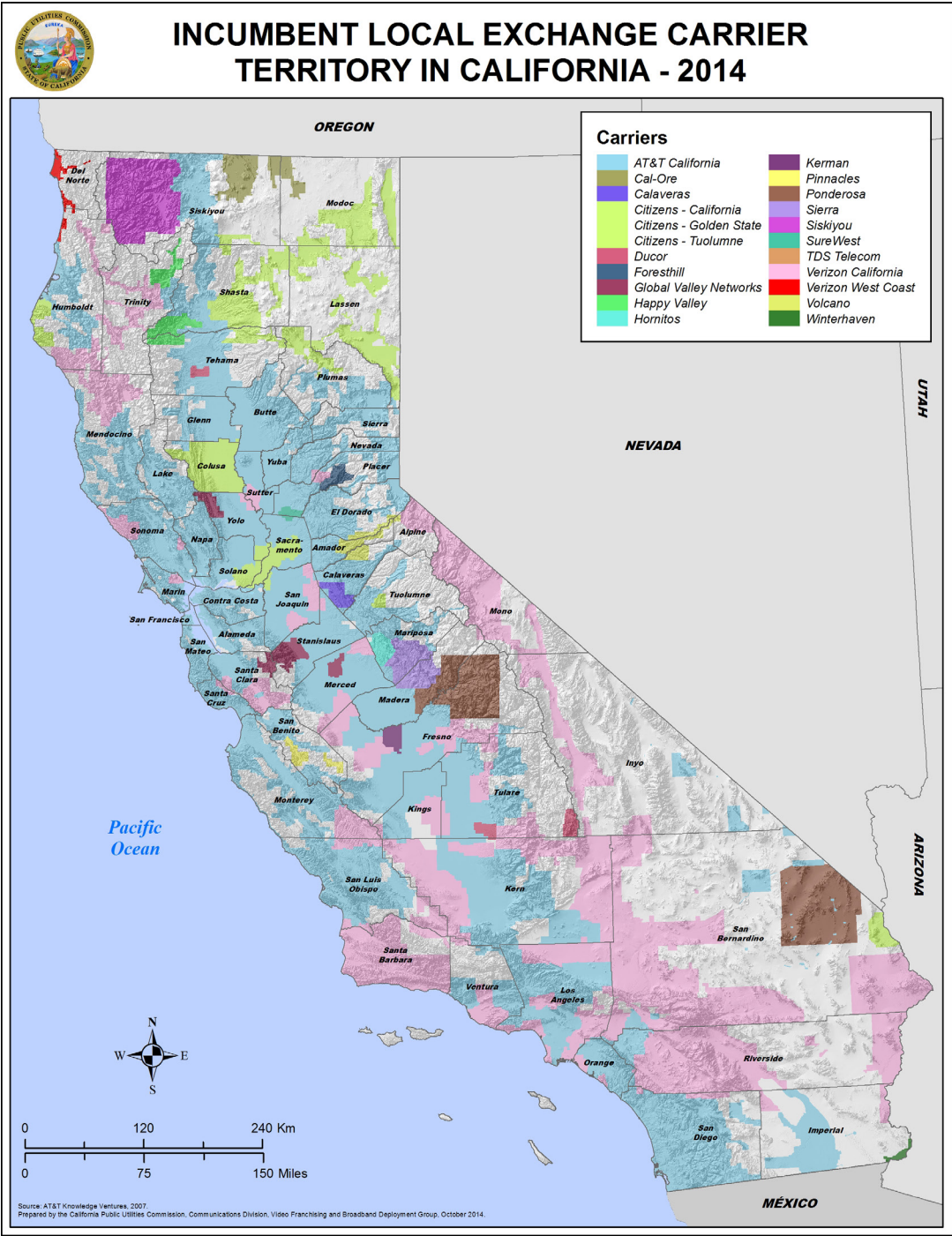


EXHIBIT E

FINANCIAL SHOWING

CONFIDENTIAL

[FILED UNDER SEAL]